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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,006	07/17/2003	Prem Vakharia	0ekm-104935	1668

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/622,006	VAKHARIA, PREM	
	Examiner	Art Unit	
	Tri M. Mai	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 2,9 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/06/03</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the piping and the wire must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 2, 9, 20, and 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth.

Applicant traverses the election on the ground that the examination of remaining claims can be made without serious burden. The examiner submits that the fastening devices on each of the species is specific so that each type of fastening devices must be searched separately, thus, constitute a serious burden.

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3. Claim 1, 6, 10 are rejected under 35 U.S.C. 102 (b) as being anticipated by Harding (3861434). Harding teaches a head cover having a cover body defining an inner compartment, and a magnetic fastener 29 positioned about the opening as claimed.

Regarding claim 10, the magnet portions can engage one another as claimed.

4. Claim 1, and 3-5 are rejected under 35 U.S.C. 102 (b) as being anticipated by White (4858361). White teaches a cover defining an inner compartment, and a magnetic fastener about the opening as claimed.

Regarding claim 5, note the sleeve in Fig. 4.

5. Claims 1, 6, and 10 are rejected under 35 U.S.C. 102 (b) as being anticipated by Chang (482943). Chang teaches a cover body with a magnetic fastener as claimed.

Regarding claim 10, note the two layers in figure 8.

6. Claims 1, 3-5 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Rosenow (3145749) in view of Russell (3161932). Rosenow teaches a head cover with a fastener being a zipper 15. It would have been obvious for one of ordinary skill in the art to provide the magnetic fastener in Rosenow as taught by either Russell to provide an alternative fastener.

Regarding claim 5, It would have been obvious for one of ordinary skill in the art to provide at least four magnets in each strip to provide the desired amount of magnets for securely closing the closure.

7. Claims 6, 7, 10, 12, and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Rosenow rejection above in paragraph 5, and further in view of Lauretti (2422245). It would have been obvious for one of ordinary skill in the art to provide a liner as taught by Lauretti to provide added protection.

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8. Claim 8 is rejected under 35 U.S.C. 103 (a) as being unpatentable over the Rosenow rejection as set forth above in paragraph 7, and further in view of Halter (2705039) or Workman (4784248). It would have been obvious for one of ordinary skill in the art to provide wire disposed within piping 35 to provide added rigidity.

9. Claims 1, 3-7, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauretti in view of Russell (3161932). Lauretti teaches a head cover with a fastener being a zipper 15. It would have been obvious for one of ordinary skill in the art to provide the magnetic fastener in Rosenow as taught by either Russell to provide an alternative fastener.

Regarding claim 5, it would have been obvious for one of ordinary skill in the art to provide at least four magnets in each strip to provide the desired amount of magnets for securely closing the closure.

10. Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lauretti rejection as set forth above, and further in view of Berglof et al. (5682653). It would have been obvious to one of ordinary skill in the art to provide the magnets in a heat shrink tubing as taught by Berglof to provide an alternative structure for the holding the magnets.


Regarding claim 15, It would have been obvious to one of ordinary skill in the art to provide an elastic cords having the magnetic strips to provide another alternative holding means for the magnets.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai 
Primary Examiner
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